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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,801	06/20/2000	James A. Jorasch	00-032	5985

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EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT PAPER NUMBER

3713

DATE MAILED: 08/05/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

**Office Action Summary**

Application No.

09/597,801

Applicant(s)

JORASCH ET AL.

Examiner

Yveste G. Cherubin

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 72-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-29, 72, 80 and 86 is/are rejected.
- 7) ☒ Claim(s) 13, 73-79, 81-85 and 87-91 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to the Amendment filed on May 6, 2003 in which claims 30-71 are cancelled and claims 72-91 are added. Thus, claims 1-29, 72-91 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1-12, 14-16, 18-29, 72, 80, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (US Patent No. 5,735,742) in view of Bonifas et al. (US Patent No. 6,050,487).

As broadly claimed, the references to French in view of Bonifas are deemed to meet the claimed limitations. As per claims 1, 21, 25, French discloses an accounting system, which monitors and records all gaming chip transactions in a casino. The system employs a gaming chip having transponder or electronic tag embedded therein. The tag includes an electronic circuit, which includes an electronic chip. French discloses the tag carrying some electronic information in read-only format and some in read-write (changeable) format and wherein the read only information may include chip's identification number and the value of the chip in the casino. Although French discloses a gaming chip/token with a value, French fails to disclose a gaming chip/token wherein

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the value can be changed in response to an event detection. Bonifas, on the other hand, teaches a chip card reader for a game machine, capable of testing the contents of a chip card in order to enable the user to use money value contained in the card, according to wagers and gains made by the player. Chip cards are well known and are being used as prepayment and rechargeable cards for phone boots, bank cards, etc. Bonifas discloses his system having a card reader that can read the contents of a card, namely the available sum of money memorized in the card which should be capable of processing the transactions made by the game machines at the user's request and which should be capable, after transaction, of making a recording in the card of the newly available sum, 1:47-54. As shown, Bonifas teaches the value of the token/chip being associated with a zero or non-zero value, 5:53-54. At the detection of event, a value is being associated with the gaming token/chip, wherein the value can be a zero or a non-zero value, 4:28-43, 5:29-31, 6:21-29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bonifas teaching to modify the French type system in order to vary the value of the token/chip, see abstract. As per claims 2, 22 Bonifas teaches gaming chip including a memory, and the associating steps respectively including storing the first and second values in the memory, 5:29-31. As per claims 3, 24, French discloses transactional history of each token/chip being maintained in a database embedded in that chip, 2:27-31. As per claims 4, 27, Bonifas teaches the detected event being insertion of the gaming token/chip in a gaming device, 4:27-28. As per claims 5, 7, 9, 11, 26, Bonifas teaches the gaming device being a slot machine as shown in Fig 1. As per claim 6, one of skill

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in the art would have been motivated to configure the system as such in order to encourage long period of play. As per claims 10, 28, 80, Bonifas teaches a system wherein the detected event being discharging of the gaming token from a gaming device, 2:21-24. As per claim 12, Bonifas teaches a system wherein the detected event is placing the gaming token in proximity to a value-changing device, 3:14-21. As per claim 14, Bonifas teaches the non-zero value being greater than the first non-zero value when the player gains gaming session, 2:17-19, 5:6-18. As per claim 15, Bonifas teaches the non-zero value being lower than the first non-zero value when the player loses gaming session, 5:6-18. As per claim 16, Bonifas teaches displaying the at least one of the values, 4:58-60. As per claims 18, 23, 86 French discloses a gaming token/chip including a memory for storing the token/chip identifier and the method further comprising receiving the token identifier, 1:64-65, 4:21-23, 5:28-34. As per claims 19-20, French discloses transmitting the second non-zero value to the gaming machine, 5:10-12 and receiving the second non-zero value from the gaming token/chip, 5:6-9. As per claim 29, French discloses a system wherein the detecting means may include a player tracking system, 2:36-46. As per claim 72, French discloses a device mounted in a gaming token for outputting a signal detectable by a holder of the gaming token to indicate a status of the token, 4:27-33.

b. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Bonifas et al. as applied to claims 1-16, 18-29, 72, 80, 86 above, and further in view of Modler (US Patent No. 5,361,885).

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As per claim 17, French in view of Bonifas disclose the claimed invention as substantially as explained above. However, French in view of Bonifas fails to disclose the value by means of a display device mounted on the token. Modler teaches a token wherein the value is displayed on the token as shown in Figs. 2, 3. It would have been obvious to one of skill in the art at the time the invention was made to provide the display teaching as taught by Modler into the French in view of Bonifas type system in order to easily identify the value on the token/chip.

### ***Allowable Subject Matter***

3. Claims 13, 73-79, 81-85, 87-91 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. US Patent No. 4,968,873 to Dethloff et al. which teaches smart card issuing and receiving apparatus.
  - b. US Patent No. 5,770,533 to Franchi, which teaches open architecture casino operating system.
  - c. US Patent No. 4,882,473 to Bergeron et al., which teaches on-line wagering system with programmable cards game entry cards and operator security cards.

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d. US Patent No. 4,764,666 to Bergeron et al., which teaches on-line wagering system with programmable game entry cards.

***Response to Arguments***

5. Applicant's arguments, filed on May 6, 2003, with respect to the rejection(s) of claim(s) 1-29 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is being submitted.


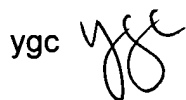
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, A. Wellington can be reached on (703) 308-2159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2159.

July 22, 2003

ygc



A. L. WELLINGTON  
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